

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

NOEMI ESTHER APONTE,

Plaintiff,

v.

COMMISSIONER OF SOCIAL SECURITY,

Defendant.

CIVIL NO. 19-1563 (GLS)

ORDER

On August 31, 2021, the Court entered an Opinion and Order remanding Plaintiff's disability insurance benefits claim to the Commissioner of the Social Security Administration for further administrative proceedings and entered Judgment accordingly. Docket Nos. 36 and 37.

On November 1, 2021, Plaintiff filed a motion requesting the award of attorney's fees pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412 ("EAJA"). Docket No. 40. Under section 2412(d)(1)(A) of the EAJA, a court shall award to a prevailing party, other than the United States, fees and other expenses incurred by that party in any civil action brought by or against the United States in any court having jurisdiction of that action, unless the court finds that the position of the United States was substantially justified or that special circumstances make an award unjust. See 28 U.S.C. § 2412(d)(1)(A). Eligibility for a fee award in any civil action under the EAJA requires: (1) that the claimant be a "prevailing party"; (2) that the Government's position was not "substantially justified"; (3) that no special circumstances make an award unjust; and (4) that any fee application be submitted to the court within 30 days of final judgment, supported by an itemized statement as required by 28 U.S.C. § 2412(d)(1)(B). See Comm'r I.N.S. v. Jean, 496 U.S. 154, 158 (1990). Plaintiff sustains that she complied with all the statutory requirements under the EAJA for the award of attorney's fees. Id.

On November 8, 2021, the parties filed a consent motion informing the Court that, after engaging in good faith negotiations, Plaintiff agreed to a negotiated attorney's fee amount of

\$8,500.00, pursuant to the EAJA. Docket No. 41. Such award is made in full satisfaction of any and all claims for fees, expenses, and costs. The parties also agreed that fees may be paid to Plaintiff's attorney if Plaintiff agrees to assign the fees to her attorney and provided that Plaintiff owes no debt to the Federal Government that is subject to offset under the U.S. Treasury Offset Program. Id.

For the reasons stated above, the Court **GRANTS** Plaintiff's request for attorney's fees against the United States of America in the total amount of **\$8,500.00**.

IT IS SO ORDERED.

In San Juan, Puerto Rico, this 24th day of November 2021.

s/Giselle López-Soler
GISELLE LÓPEZ-SOLER
United States Magistrate Judge